

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Joan B. Gottschall	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	09 C 2349	DATE	6/24/2009
CASE TITLE	Kirl Gantchev, et al. vs. Predict Mobile, LLC, et al.		

DOCKET ENTRY TEXT

Plaintiff's motion to consolidate [9] is denied without prejudice.

■ [For further details see text below.]

*Copy to Judge Guzman.

STATEMENT

This is a class action lawsuit related to charges to customers made by certain phone companies. The action was brought by plaintiffs in state court. On April 16, 2009, Defendant Enhanced Services Billing, Inc. removed the action to federal court, which was given Case Number 09-cv-2312, and was assigned to Judge Guzman. On April 17, 2009, Defendant OpenMarket, Inc. also removed the matter to federal court, which was given Case Number 09-cv-2349, and was assigned to Judge Gottschall. The two defendants did not realize that the other was intending to remove the action when they filed their papers.

Plaintiffs seek to have these cases consolidated, and have filed a motion in this court asking this judge to reassign this case, Number 09-cv-2349, to Judge Guzman. Defendant OpenMarket, Inc. is not opposed to the motion, and this court has no opposition to Plaintiffs' request. Courts retain some general powers permitting them to control their docket and to prevent duplicative litigation, but the best approach to resolve a case such as this is provided in Local Rule 40.4. The requirements in subparagraphs (a) and (b) appear to be satisfied. However, subparagraph (c) provides that "[t]he motion shall be filed with the judge before whom the lowest-numbered case of the claimed related set is pending." That is Judge Guzman.

Plaintiff's motion to consolidate is denied without prejudice.